

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ARNOLD WANDEL, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

HERBERT W. BOYER, Ph.D., WILLIAM M.
BURNS, ERICH HUNZIKER, Ph.D.,
JONATHAN K.C. KNOWLES, Ph.D., ARTHUR
D. LEVINSON, Ph.D., DEBRA L. REED,
CHARLES A. SANDERS, M.D., GENENTECH,
INC., AND ROCHE HOLDING AG,

Defendants.

CASE NO.: CV 08-3543 (SC)

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME FOR
DEFENDANTS TO RESPOND TO
COMPLAINT**

1 JOHN P. McCARTHY PROFIT SHARING) CASE NO.: CV 08-3720 (SC)
 2 PLAN, individually and on behalf of all Others)
 3 similarly situated,)
 4)
 5 Plaintiff,)
 6)
 7 v.)
 8)
 9 GENENTECH, INC., ROCHE HOLDING, LTD,)
 10 ROCHE HOLDINGS, INC., ROCHE HOLDING)
 11 AG, ARTHUR D. LEVINSON, HERBERT W.)
 12 BOYER, WILLIAM M. BURNS, ERICH)
 13 HUNZIKER, JONATHAN K.C. KNOWLES,)
 14 DEBRA L. REED, AND CHARLES SANDERS,)
 15)
 16 Defendants.)
 17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

11 WHEREAS, Plaintiff Arnold Wandel filed a Complaint on July 23, 2008 against
 12 Defendants Herbert W. Boyer, Ph.D., William M. Burns, Erich Hunziker, Ph.D., Jonathan K.C.
 13 Knowles, Ph.D., Arthur D. Levinson, Ph.D., Debra L. Reed, Charles A. Sanders, M.D.,
 14 Genentech, Inc., and Roche Holding AG;

15 WHEREAS, Plaintiff John P. McCarthy Profit Sharing Plan filed a Complaint on August
 16 4, 2008 against Defendants Genentech, Inc., Roche Holding, LTD, Roche Holdings, Inc., Roche
 17 Holding AG, Arthur D. Levinson, Herbert W. Boyer, William M. Burns, Erich Hunziker,
 18 Jonathan K.C. Knowles, Debra L. Reed, and Charles Sanders;

19 WHEREAS, Plaintiff Ernest Gottdiener filed a Complaint on August 5, 2008 against
 20 Defendants Arthur D. Levinson, Ph.D., Charles A. Sanders, M.D., Jonathan K.C. Knowles,
 21 Ph.D., William M. Burns, Erich Hunziker, Ph.D., Herbert W. Boyer, Ph.D., Debra L. Reed,
 22 Genentech, Inc., and Roche Holding AG;

23 WHEREAS, the undersigned parties have met and conferred and anticipate that these
 24 actions are related;

25 WHEREAS, the undersigned parties further anticipate that these related actions will be
 26 consolidated and that, following appointment of a lead plaintiff and lead counsel by the Court, a
 27 Consolidated Amended Class Action Complaint will be filed;
 28

1 WHEREAS, no defendant, by agreeing to this stipulation, waives any right to object to
2 service or the jurisdiction of this Court;

3 WHEREAS, the undersigned parties wish to avoid burdening the Court with unnecessary
4 motion practice;

5 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned,
6 subject to approval of the Court, as follows:

7 1. No defendant need respond to any of the initial complaints filed in the above-
8 captioned matters;

9 2. Lead Plaintiffs shall file a Consolidated Amended Class Action Complaint no
10 later than sixty (60) days after the appointment of Lead Plaintiffs and approval of Lead Counsel;

11 3. Defendants shall answer or otherwise respond to the Consolidated Amended
12 Complaint no later than forty-five (45) days after the Consolidated Amended Complaint is filed.

13
14 Dated: August 21, 2008

Respectfully submitted,

15 WILSON SONSINI GOODRICH & ROSATI
16 Professional Corporation

17
18 By: /s/
Ignacio E. Salceda

19 Attorneys for Defendants
20 GENENTECH, INC. AND ARTHUR D.
21 LEVINSON
22
23
24
25
26
27
28

1 Dated: August 21, 2008

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4 and

5 DAVIS POLK & WARDWELL
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10 By: /s/
11 Lawrence Portnoy

12 Attorneys for Defendant
13 Roche Holdings, Inc.

14 Dated: August 21, 2008

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15 By: /s/
16 Paul H. Dawes

17 Attorneys for Defendants
18 Herbert W. Boyer, Ph.D., Debra L. Reed, and
19 *pecially appearing*, Charles A. Sanders

20 Dated: August 21, 2008

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21 By: /s/
22 Betsy C. Manifold

23 Attorneys for Plaintiff Arnold Wandel, and all
24 others similarly situated

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14 Dated: August 21, 2008

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24 By: _____/s/
25 Andrew D. Abramowitz

26 Attorneys for Plaintiff John P. McCarthy Profit
27 Sharing Plan, Class Members, and all others
28 similarly situated

-and-

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21 Michael F. Ram
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26 **ORDER**

27 PURSUANT TO STIPULATION, IT IS SO ORDERED.

28 Dated: _____

United States District Judge